

Exhibit



A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
BRONIQUE BRAITHWAITE-LEWIS,Index No.: _____
Date Filed: _____

Plaintiff(s),

SUMMONS

- against -

BJ'S WHOLESALE CLUB, INC.,

Defendant(s).

-----X

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Nassau County as the place of trial. The basis of the venue is plaintiff's residence at 1049 Montgomery Street - Apt 3J, Brooklyn, New York 11213.

Dated: Westbury, New York
February 18, 2021

LEVIN & CHETKOF, LLP

By: Howard A. Chetkof

Howard A. Chetkof
Attorney for Plaintiffs
265 Post Avenue - Suite 290
Westbury, New York 11590
(516) 338-2888
File No.: 37163

Defendants' Addresses:

BJ's Wholesale Club, Inc.- CT Corporation System 28 Liberty Street, NY, NY 10005. (Registered Agent)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
BRONIQUE BRAITHWAITE-LEWIS,

Index No.: _____
Date Filed: _____

Plaintiff(s),

VERIFIED COMPLAINT

- against -

BJ'S WHOLESALE CLUB, INC.,

Defendant(s).

-----X

Plaintiff, by her attorneys, **LEVIN & CHETKOF, LLP**, as and for her complaint against the defendant, respectfully allege as follows:

1. At all times herein mentioned, plaintiff was a resident of the County of Kings, State of New York.
2. At all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC. was and still is a foreign business corporation duly organized and existing under the laws of the State of New York.
3. Upon information and belief, at all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC., owned the premises known as 339 Gateway Drive, Brooklyn, New York 11239.
4. Upon information and belief, at all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC., was a tenant at the premises known as 339 Gateway Drive, Brooklyn, New York 11239.
5. Upon information and belief, at all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC., through its agents, servants and/or employees, operated the aforesaid premises and appurtenances thereat.
6. Upon information and belief, at all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC., through its agents, servants and/or employees, managed the aforesaid premises and appurtenances thereat.
7. Upon information and belief, at all times herein mentioned, defendant BJ'S

WHOLESALE CLUB, INC., through its agents, servants and/or employees, maintained the aforesaid premises and appurtenances thereat.

8. Upon information and belief, at all times herein mentioned, defendant BJ'S WHOLESALE CLUB, INC., through its agents, servants and/or employees, controlled the aforesaid premises and appurtenances thereat.

9. On the 2nd day of March 2020, while plaintiff was lawfully on the aforementioned premises, in the aisle with the Pine Sol cleaner, she was caused to slip and fall sustaining severe, grievous and serious personal injuries hereinafter alleged.

10. The aforesaid incident and resulting injuries were occasioned solely by reason of the negligence and carelessness of defendant, its agents, servants and/or employees in the ownership, operation, management, maintenance and control of the aforesaid premises and the appurtenances thereat, and without any negligence on the part of plaintiff contributing thereto.

11. As a result of the foregoing, plaintiff sustained serious injuries to her limbs and body becoming sick, sore, lame and disabled; her injuries, upon information and belief, are of a permanent and lasting nature; she was caused to become incapacitated and incurred medical expenses for her care and attendance; upon information and belief, she will in the future incur further expenses and disability of a similar character.

12. That, as a result of the foregoing, plaintiff has sustained damages in accordance with the above allegations and prays for relief commensurate therewith; Plaintiff's damages exceed the jurisdictional limits of all lower courts, which would have jurisdiction.

WHEREFORE plaintiff demands judgment against the defendant in accordance with the above allegations and prays for relief commensurate therewith; Plaintiff's damages exceeds the jurisdictional limits of all lower courts, in an amount to be determined by a jury, together with the costs and disbursements of this action.

Dated: Westbury, New York
February 18, 2021

Yours, etc.,

LEVIN & CHETKOF, LLP.

By: Howard A. Chetkof
Howard A. Chetkof
Attorney for Plaintiff(s)
265 Post Avenue - Suite 290
Westbury, New York 11590
(516) 338-2888
File No.: 37163

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

HOWARD A. CHETKOF, an attorney at law duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury as follows:

I am the attorney for the plaintiff in the within action. I have read the foregoing **COMPLAINT** and know the contents thereof which are true to my own knowledge, except as the matters therein stated to be alleged on information and belief, and as to these matters, I believe it to be true.

The reason this verification is made by me and not by plaintiff is that the plaintiff resides in a county other than the one in which I maintain my office.

The source of my information and the grounds of my belief are communications with my client and others, papers, reports, and investigation contained in the file.

Dated: Westbury, New York
February 18, 2021

Howard A. Chetkof

HOWARD A. CHETKOF

BJ 21-174 TO
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
BONIQUE BRAITHWAITE-LEWIS,

Index No.: 503926/2021

Plaintiff,

-against-

VERIFIED ANSWER

BJ'S WHOLESALE CLUB, INC.,

Defendant.
-----X

The defendant, BJ'S WHOLESALE CLUB, INC., by its attorneys, BRODY, O'CONNOR & O'CONNOR, ESQS., answering the Verified Complaint herein states upon information and belief:

FIRST: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked "1", and each and every part thereof.

SECOND: Defendant denies the allegations set forth in paragraph marked "2", except admits that BJ'S WHOLESALE CLUB, INC. is a foreign corporation registered to do and doing business in the State of New York, leaving all questions of fact to the trier of fact and all questions of law to the Court.

THIRD: Defendant denies the allegations set forth in paragraph marked "3", and each and every part thereof.

FOURTH: Defendant denies the allegations set forth in paragraphs marked "4", "5", "6", "7", and "8", except admits that BJ'S WHOLESALE CLUB, INC. is a lessee of that portion of the premises comprising the BJ'S in Brooklyn, New York and is the operator of that BJ'S WHOLESALE CLUB, INC., leaving all questions of fact to the trier of fact and all questions of law

to the Court.

FIFTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraph marked “9”, and each and every part thereof.

SIXTH: Defendant denies the allegations set forth in paragraph marked “10”, and each and every part thereof.

SEVENTH: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked “11”, and “12”, and each and every part thereof.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

EIGHTH: The plaintiff was guilty of culpable conduct, including contributory negligence and/or assumption of risk, and should an award be made to plaintiff, same should be diminished in the proportion which the culpable conduct and/or contributory negligence and/or assumption of risk attributable to the plaintiff bears to the culpable conduct and/or negligence which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

NINTH: In the event that plaintiff recovers judgment against this answering defendant and it is determined that plaintiff's damages were caused in whole or in part by two or more joint tortfeasors, then defendant's liability herein for non-economic loss may not exceed its equitable share of said damages in accordance with its relative culpability, as provided by Section 1601 of the CPLR.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TENTH: Plaintiff's recovery, if any, shall be reduced by the amount of any collateral payments received, in accordance with CPLR Section 4545.

WHEREFORE, defendant, BJ'S WHOLESALE CLUB, INC., requests judgment dismissing the Complaint herein, together with costs and disbursements of this action.

Dated: Northport, New York
February 23, 2021

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By:

PATRICIA A. O'CONNOR
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: BJ 21-174 TO

TO: LEVIN & CHETKOF, LLP
Attorneys for Plaintiff
265 Post Avenue, Suite 290
Westbury, New York 11590
(516) 338-2888
File No.: 37163

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of the State of New York, shows:

That affirmant is the attorney for the defendant in the within action; that affirmant has read the foregoing Verified Answer and knows the contents thereof; that the same is true to the affirmant's knowledge, except as to the matters therein stated to be alleged on information and belief; and that as to those matters, affirmant believes it to be true.

Affirmant further says that the reason this Verification is made by deponent and not by the defendant is that defendant does not reside in the County in which the affirmant maintains an office.

The grounds of belief as to all matters not stated upon deponent's knowledge are documents, correspondence and records maintained in your deponent's files and conversations and conferences had with the defendant.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Northport, New York
February 23, 2021

PATRICIA A. O'CONNOR